

business to nominate or refuse to nominate,
and yours, together
together with your colleagues, to confirm or
refuse to confirm.
Of course the common sense way is to confer
together and
try to come to an agreement. It is just exactly
what I have
been doing in this matter. If we both do our
duty then
each will endeavor to obtain a man for the
position who is
the best man under the circumstances that
can be obtained,
and neither of us will insist upon any man for
merely personal
personal reasons if there is good ground against
him—upon
any man who is not the best man for the
position. I never
saw IL until the other day. I have not the
slightest interest
in his appointment, save from the standpoint
of the bench
and of the public. As you do not indicate any
possible
objection to him, save that you insist upon
having some
one else, I must decline to consider that there
will be any
affront to you involved in appointing him.
"Finally, I am sorry to say I must
emphatically disagree
with you and disagree with your statement
that it ought to
suffice me to have you simply say that you
prefer Y. to BL
You add that 'both men are admittedly
qualified for the
position.' Here you say that IL is qualified
for the posi-
tion, but insist that your preference for Y.
should be
enough to settle the matter. I cannot
consider such a
proposition. I have not considered my own
individual
preference and I cannot consider yours.
Neither of us is
entitled to have his personal preference
considered, and it
is the duty of both of us to disregard our

individual preferences and take the man who will be most acceptable to the public and the bar, who will be most likely to do his work well and faithfully, showing exact justice to corporation and labor union, rich man and poor man, and the man who is neither a member of the corporation nor the labor union, and is neither rich nor poor,ⁿ

A strong movement had been started by the labor unions in 1905 for the passage of a law by Congress depriving the courts of their power to issue injunctions in labor disputes. In his annual message of that year the President had ox-